

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No. : Chapters SPS 320, 320 to 325 Appendix

Relating to: Electronic permits

Rule Type: Emergency and Permanent

1. Detailed description of the objective of the proposed rule:

Under 2015 Wisconsin Act 211 the department is required to “establish by rule a system through which a person may electronically submit an application to a municipal authority for a building permit, through which the person may be issued the building permit in electronic form from the municipal authority, and through which the municipal authority may submit copies of issued building permits to the department.”

The objective of this rulemaking project is to establish an electronic permitting system in accordance with the provisions of the statutes as amended by Act 211. The rule will prescribe a standard building permit application form that shall be furnished to all municipalities and used by all applicants for building permits for one and two-family dwellings.

2. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapters SPS 320.08 and 320.09 establish requirements and regulations for obtaining a Wisconsin uniform building permit for one- and two-family dwellings. Existing policies require submission of a paper copy of a Wisconsin uniform building permit application along with copies of site plans, floor plans, building elevations, and building data and calculations.

The proposed rules would provide for electronic submission of the Wisconsin uniform building permit application and for electronic issuance of the Wisconsin uniform building permit. Building plans accompanying the building permit application would not be required to be submitted electronically. The rules would also provide a system through which applications could be submitted and issued and through which a municipal authority may submit copies of issued building permits to the department.

The primary alternative would be to not perform this rule writing process. This would reduce the public, municipal, and department benefits that would otherwise occur by promulgating this rule.

3. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 101.02 (1), Stats. reads: “The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings.”

Section 101.63 (7), Stats. reads: “Prescribe and furnish to municipalities a standard building permit form for all new one- and 2-family dwellings. The standard permit form shall include a space in which the municipal authority issuing the permit shall insert the name and license number of the master plumber engaged in supervising the installation of plumbing or installing the plumbing at a new one- or 2-family dwelling.”

4. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The Department estimates approximately 200 hours will be needed to perform the review and develop any needed rule changes and the electronic forms required by the rule. The Department will assign existing staff to perform the review and develop the rule changes, and no other resources will be needed.

5. List with description of all entities that may be affected by the proposed rule:

The proposed rules may affect any municipality, business, homeowner or other entity involved with application for, or approval of, building permits for one- and two-family dwellings.

6. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule:

The federal government has regulations for applications for permits and issuance of building permits for one- and two-family dwellings when the dwelling is part of a Housing and Urban Development (HUD) project. Provisions for permit applications allow for electronic applications.

7. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The anticipated economic impact of implementing this rule is minimal. The rule is not likely to have a significant impact on a substantial number of small businesses.

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